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September 29, 1986

Joseph E. Connarton, City Clerk
City of Cambridge
City Hall
Cambridge, Massachusetts

Re: Problems Facing Cambridge Taxicab Drivers
Interfacing with City of Cambridge Agencies

Dear Mr. Connarton:

Thank you for scheduling today's hearing by the City Council of problems facing Cambridge taxicab drivers interfacing with City agencies.

As an aide to you and the Councilors in hearing and considering these problems, I have prepared for you a preliminary memorandum of those problems, based on my interviews with cab drivers.

I would appreciate your distributing a copy of this memorandum to each Councilor.

Once again, thank you for your courtesy in this matter.

Sincerely yours,



Edward M. Altman

EMA/jb

Enclosures

cc: Honorable City Councilors

PROBLEMS FACING CAMBRIDGE TAXICAB DRIVERS
INTERFACING WITH CITY OF CAMBRIDGE AGENCIES

1. Problems

a. Cambridge Police Department conduct toward Cambridge taxidrivers, especially at cab stands in Harvard and Central Squares. Based on police conduct, drivers feel that police have adopted an intolerant, adversary, and harassive attitude toward taxi drivers. Police are quick to issue tickets for substantial amounts, and are unwilling to listen to taxi drivers' explanations.

b. Not enough taxi stands in Cambridge.

c. Too-high concentration of taxis in the Harvard Square and Central Square areas leads to problems serving customers in other areas of the city. Example: The manager of the new Marriott hotel in Kendall Square wished to arrange for a 6-cab stand at his hotel. The hotel was accorded a one-cab stand, this for a 400-room hotel.

d. Over the last year, there have been twelve arrests of taxi drivers, all believed to have been Haitians. The arrests were of questionable necessity, were done with conspicuous humiliation to the drivers, drivers were handcuffed and conspicuously taken off to the police station. Apparently no arrests have been made in the last several months, leading drivers to question whether the previous arrests were indeed necessary. The arrests involved the towing of taxicabs.

e. Drivers believe that police, while ready to ticket cabdrivers, do not enforce laws against use of cabstands by other cars and trucks. Ordinary trucks and cars are allowed to park and to stand in cabstands. When taxi drivers double-park awaiting a space in the cabstand, they are ticketed and told to move along. No areas exist for drivers to await a spot at the cabstand -- they have no choice but to circle around a block.

f. There are problems with taxi drivers' use of the Holyoke Street cabstand in Harvard Square.

g. Previously, when a complaint was made against a cabdriver, the complainant would have to come in to a meeting at the Licensing Commission in person, at which the driver would also be present. In most cases, the complainant would not appear, and the complaint would be dismissed. Over the last year, this situation has changed. Now Officer Bambino takes

PROBLEMS FACING CAMBRIDGE TAXICAB DRIVERS
INTERFACING WITH CITY OF CAMBRIDGE AGENCIES

the complaint, allows the driver no opportunity to meet with the complainant, Officer Bambino makes a determination of the complaint without consulting the cabdriver, issues a penalty, and allows the driver no recourse but to accept the penalty. Due to the increased volume of business before the Cambridge Licensing Commission, hearings on complaints against cabdrivers have been eliminated. Cabdrivers who feel they have been unfairly penalized also feel that they have no reasonable avenue of appeal, and that decisions to penalize are made without a sufficient hearing.

h. The City of Cambridge employs a number of people, both at the Licensing Commission and in the Police Department, who are empowered to take adverse action against cabdrivers, but no one, the drivers feel, who will take responsibility for considering the drivers' problems and grievances, and take remedial action on behalf of the drivers. Cabdrivers feel that, when they have a problem, City employees engage in buck-passing, and no one is willing to accept responsibility for considering the needs of this important segment of the community.

2. Summary of Problem

The taxidriviers want the police to get off their backs, and to stop constantly issuing tickets against them when such action is not necessary. The cabdrivers want to work in peace and make a living. They feel that they are hard workers, human beings, with families to support. They do not want to be treated as those drivers who have been arrested by being pulled out of their cabs, handcuffed, marched off the the police station, and have had their cabs towed.

The taxidriviers feel they are entitled to police protection, and should not have to suffer police harassment. In their relationship with City employees, the cabdrivers feel that a one-way situation exists: The City is ready, willing, and able to enforce every law against the cabdrivers, but unwilling and unable to address the drivers' problems and grievances.

This perception on the part of cabdrivers is widespread, and considerable resentment exists. If prompt and fair action is not taken by the City to address the cabdrivers' problems, the drivers feel that the situation will deteriorate, to their considerable disadvantage, and to the disadvantage of the public whose need and convenience they serve.

PROBLEMS FACING CAMBRIDGE TAXICAB DRIVERS
INTERFACING WITH CITY OF CAMBRIDGE AGENCIES

3. Possible Solutions

a. The City of Cambridge must recognize taxicab drivers as a segment of the business, working, and general community deserving of fair treatment at the hands of its employees.

b. The Cambridge Police Department must review its policies -- if any exist formally -- on enforcement of the laws affecting taxicab drivers. A special effort must be made at a high level of the Department to set an enforcement policy that is fair to the drivers and recognizes that drivers have problems to face that are not of their own creation. Drivers must not be made scapegoats for problems beyond their control. The problems that exist are not within the ability of cabdrivers to control, and it is extremely unfair that drivers are not only the victims of these problems, but are blamed as victims for their attempts to earn a reasonable living in a difficult situation.

When the Cambridge Police Department has formulated a policy for the fair enforcement of laws involving cabdrivers, that policy should be disseminated to all police officers, who must take responsibility for fairness in their enforcement.

It would be most helpful if an officer were designated to informally consider the disposition of traffic and parking tickets which drivers feel are unfairly issued. Now, drivers are particularly exposed to receiving tickets by reason of their occupation, and their alternative of appearing in court for a hearing is usually more expensive in lost wages than the amount of the fine.

c. The Cambridge Traffic and Parking Department must undertake a thorough-going review of the adequacy of cabstands throughout the City. The alternative to adequate cabstands is an unnecessary and wasteful increase in the volume of traffic.

d. Changes must be made in the Cambridge Licensing Commission's procedures in handling complaints against taxidriver. The complainants ought to be made to appear when a decision is made penalizing a driver. A reasonable appeals procedure must be made available to cabdrivers who feel they have been unfairly penalized. To do otherwise is to continue to deprive cabdrivers of due process in decisionmaking involving drivers' livelihoods.

PROBLEMS FACING CAMBRIDGE TAXICAB DRIVERS
INTERFACING WITH CITY OF CAMBRIDGE AGENCIES

e. Until the Police Department, the Licensing Commission, and the Traffic and Parking Commission, and any other City agencies, have been able to formally address these problems and formulate reasonable policies addressing the problems, the City Council should take an immediate and ongoing interest in these problems.

f. Consideration should be given to the possibility of establishing a school of taxicab drivers, as exists in Boston. This would assure that new drivers would become adequately familiarized with the problems they will face as drivers, and provide both the Police Department and Licensing Commission with a constructive alternative to penalizing cabdrivers for apparent violations.

g. As an interim measure, the City Council should consider designating an ombudsperson to offer taxicab drivers an opportunity for hearings of their grievances vis-a-vis City agencies. The ombudsperson should be charged to record these complaints and report back to the Council at regular intervals on the content and scope of these grievances, and suggestions for actions addressing them.

S-562A

Comm. from Edward M. Altman, Esq. relative to
problems facing Cambridge taxicab drivers inter-
facing with City of Cambridge agencies.

In City Council,

September 29, 1986